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Rocky Mountain Peace and Justice Center

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To: Senator Mark Udall
Senator Michael Bennet
Representative Diana DeGette
Representative Jared Polis
Representative John Salazar
Representative Betsy Markey
Representative Doug Lamborn
Representative Mike Coffman
Representative Ed Perlmutter

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From: LeRoy Moore, PhD, Rocky Mountain Peace and Justice Center
Joan Seeman, Toxics Chair, Rocky Mountain Chapter, Sierra Club
Arden Buck, Mountain Forum for Peace, Nederland
Jean Gore, Women's International League for Peace and Freedom
Roberta Richardson, MD, Physicians for Social Responsibility
Judith Mohling, Colorado Coalition for the Prevention of Nuclear War

Date: December 12, 2010

Re: Need for an EIS on DOE project in Antonito, Colorado *FD 35380*

We write about a federal action of import for the State of Colorado. Conejos County Clean Water, Inc. (CCCW); San Luis Valley Ecosystem Council; and Concerned Citizens for Nuclear Safety have filed in the federal court in Denver a complaint and petition alleging that the Department of Energy (DOE) is negligent for approving and funding the transportation, transfer, and storage of toxic, hazardous and radioactive waste materials at a site adjacent to the town of Antonito, Colorado. The waste in question is destined over a period of at least ten years to be moved from the DOE's Los Alamos National Laboratory (LANL) in New Mexico to an Energy Solutions waste disposal facility at Clive, Utah, with a truck-to-train transfer point just south of Antonito. Without even notifying the people of Antonito or government officials in Antonito and Conejos County, in November 2009 the DOE actually shipped some of this waste by truck from Los Alamos to the Antonito transfer point. Residents of Antonito, Conejos County and the San Luis Valley were alarmed when they learned that toxic waste was being transferred from a

truck to rail cars on a siding near Antonito adjacent to the San Antonio River, a tributary of the Rio Grande.

In their legal complaint, CCCW and the other plaintiffs provide a detailed account of what they have learned and what has transpired regarding this situation (see <http://conejoscountycleanwater.org/campaigns/waste/>). They point to the obvious fact that the DOE's action violates the National Environmental Policy Act. Though the plan for the waste transfer in Antonito was included in an October 2009 internal DOE document, this document was never made public. Neither residents of Antonito and Conejos County nor their government officials were informed of what was being planned for the environment in which they live, much less were they given their legal right to comment on action that would affect them for a decade or more. DOE's behavior looks like an egregious example of environmental injustice to an economically disadvantaged minority population. The population of Conejos County is about 60% Hispanic, and the county ranks as one of the poorest in the U.S., with median household income less than half the national average and 38% of its children living in poverty.

The organizations signed on to this letter stand strongly behind CCCW and their colleagues in taking their complaint to federal court. But we also believe that the situation could be quickly remedied if the DOE would simply do now what it should have done earlier, namely, abide by the law and conduct an Environmental Impact Statement for its planned transport, transfer, and storage of LANL waste at a transfer point near Antonito. Such an EIS would detail potential dangers associated with the proposed plan as well as explore alternatives to this plan. We therefore by means of this letter urge you and other members of the Colorado Congressional Delegation to insist that DOE immediately announce its intention to conduct an EIS for this proposed activity.

Thank you for your attention to this matter. If you have questions, please contact LeRoy Moore at 303-447-2779 or via email at leroymoore@earthlink.net.